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Attorney Docket No. 22510-501



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): McCarthy *et al.*  
APPLICATION NUMBER: 09/996,187 EXAMINER: Not yet assigned  
FILING DATE: Nov. 27, 2001 ART UNIT: 1645  
FOR: FUNCTIONAL PROTEIN EXPRESSION FOR RAPID CELL-FREE PHENOTYPING

Assistant Commissioner for Patents  
Box Missing Parts  
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS  
AND PRELIMINARY AMENDMENT

Please amend the above referenced application as follows:

***In the Specification:***

Please replace the first full paragraph on page 1, beginning at line 4 and ending at line 6, with the following:

This application claims priority from United States provisional patents serial numbers 60/253,150 filed November 27, 2000, 60/297,686 filed June 12, 2001, and 60/304,533 filed July 9, 2001, each incorporated herein by reference.

Please replace the page illustrating FIG. 1, the page illustrating FIG. 2, and the page illustrating FIG. 3 with the single substitute page illustrating FIGs 1-3.

**REMARKS**

Applicants have amended the specification to correct the priority information, to provide formal copies of drawings, and to provide a sequence listing. No new matter has been added. Pursuant to 37 CFR 1.121(b)(1)(iii), a marked up version of the specification showing the changes made appears as Appendix A, B, and C of this Amendment. Applicants acknowledge the Notice to File Missing Parts, mailed April 1, 2001, and also respond to the

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same. Copies of the Notice to File Missing Parts and a marked up copy of the official Filing Receipt, illustrating the requested changes, are provided along with this response.

Applicants hereby submit a signed Declaration and Power of Attorney, executed by all four inventors and provided in two parts. A late filing fee as required by 37 CFR 1.16(l) in the amount of \$130 is hereby provided.

Applicants note that a surcharge for additional claims is due in the amount of \$54, and is hereby provided.

Applicants hereby provide formal drawings for FIG. 1, FIG. 2, and FIG. 3. The drawings have been amended so the margins are in accordance with 37 CFR 1.84(g) and do not contain excessive text in accordance with 37 CFR 1.84(o). The single replacement page submitted displaying the formal FIGs 1-3, replaces the three separate sheets of drawings originally filed on November 27, 2001, illustrating FIG. 1, FIG. 2, and FIG. 3. Entry of this substitute page is hereby requested. A copy of the replacement page is provided at Appendix B and a duplicate copy has also been provided with this response.

Applicants hereby provide a paper copy and duplicate computer readable copies of the sequence listing in accordance with 37 CFR 1.821-1.825. The computer readable and paper copies are identical, and contain no new matter, in accordance with 37 CFR 1.821(c) and 1.821(e). Entry of this sequence listing into the application is hereby requested.

In addition, Applicants note that the current spelling on the filing receipt of the inventor "Lawrence McCarthy" is incorrect and should be changed to the correct spelling of "Laurence McCarthy". Applicants also note that the correct priority information should reference United States provisional patent applications 60/253,150 filed November 27, 2000, 60/297,686 filed June 12, 2001, and 60/304,533 filed July 9, 2001. Applicants hereby request a corrected filing receipt. A marked up copy of the Filing Receipt showing the changes is hereby provided as Appendix C and a duplicate copy has also been provided with this response.

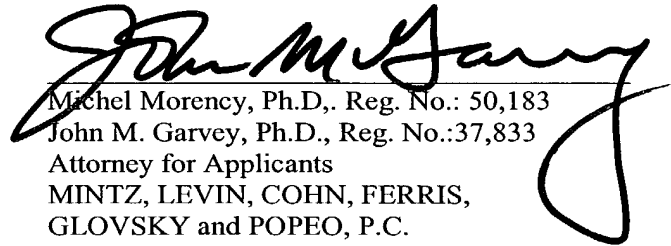
Applicants respectfully submit that the pending claims in the present application are in condition for allowance. If there are any questions regarding this amendment and remarks, the Examiner is encouraged to contact either of the undersigned at the telephone number provided below.

A check in the amount of \$184 is hereby submitted for the fees referred to above. As this response is timely, no additional payment is believed to be due. If this is incorrect, please

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charge any fees that may be due, or credit any overpayment of the same, to Deposit Account  
No. 50-0311, Reference No. 22501-501.

Respectfully submitted,



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John M. Garvey, Ph.D., Reg. No.: 37,833

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Dated: June 3, 2002

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## Appendix A

### Marked Up Version of the Specification Showing the Changes Made

#### *In the Specification:*

Please replace the first full paragraph on page 1, beginning at line 5 and ending at line 13, with the following:

This application claims priority from United States provisional patents serial numbers 60/253,150 filed November 27, 2000, [and serial numbers] 60/297,686 filed June 12, 2001, and 60/304,533 filed July 9, 2001, each incorporated herein by reference.

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